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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-ninth session
Agenda item 13 (c)

CONCLUDING ITEMS: ADOPTION OF THE REPORT ON THE FORTY-NINTH SESSION

Draft report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-ninth session

Rapporteur: Mr. Marc Bossuyt

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* E/CN.4/Sub.2/1997/L.10 and Addenda contain the draft chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Sub-Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Commission on Human Rights, will be contained in documents E/CN.4/Sub.2/1997/L.11 and Addenda.

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VI. THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS: (a) THE INTERNATIONAL ECONOMIC ORDER AND THE PROMOTION OF HUMAN RIGHTS; (b) THE REALIZATION OF THE RIGHT TO DEVELOPMENT; (c) THE QUESTION OF TRANSNATIONAL CORPORATIONS; (d) THE REALIZATION OF THE RIGHT TO EDUCATION, INCLUDING EDUCATION IN HUMAN RIGHTS

1. The Sub-Commission considered item 4 at its 11th, 12th, 13th, 27th and 35th meetings, on 12, 13, 22 and 27 August 1997.

2. For a list of documents issued under this item, see annex ... to the present report.

3. At the 12th meeting, on 13 August 1997, Mr. El-Hadji Guissé, Special Rapporteur on the question of the impunity of perpetrators of violations of human rights (economic, social and cultural rights), introduced his final report (E/CN.4/Sub.2/1997/8).

4. In the general debate on the item, statements were made by the following members of the Sub-Commission: Mr. Eide (12th), Mr. El-Hajjé (13th), Mr. Maxim (11th), Mr. Mehedi (12th), Mr. Park (12th), Mr. Zhong (11th).

5. The Sub-Commission also heard statements by representatives of the following non-governmental organizations: African Bureau of Educational Sciences (13th), African Commission of Health and Human Rights Promoters (12th), Afro-Asian People's Solidarity Organization (11th), American Association of Jurists (11th), Centre Europe-Tiers Monde (13th), Franciscans International (13th), Habitat International Coalition (13th), Indigenous World Association (12th), International Association against Torture (11th), International Association of Democratic Lawyers (11th), International Educational Development, Inc. (11th), International Institute for Non-Aligned Studies (11th), International Institute for Peace (11th), International Progress Organization (13th), International Organization for the Development of Freedom of Education (12th), International Organization for the Elimination of All Forms of Racial Discrimination (12th), International Service for Human Rights (13th), Liberation (11th), Pax Romana (11th), Society for Threatened Peoples (11th), Union of Arab Jurists (11th), War Resisters International (13th), World Federation of Democratic Youth (13th), World Muslim Congress (11th).

6. Statements were also made by the observers for: Armenia (13th), Colombia (13th), Iraq (13th), Peru (13th).

7. Statements equivalent to a right of reply were made by the observers for: Armenia (13th), Azerbaijan (13th), Mauritania (13th).

8. At its 26th meeting, on 22 August, the Sub-Commission decided that, owing to insufficient time, it would defer consideration of the final report of the Special Rapporteur on income distribution and human rights, Mr. José Bengoa (E/CN.4/Sub.2/1997/9), until its fiftieth session. For the text of the decision, see chapter II, section B, decision 1997/107.

Forced evictions

9. At its 27th meeting, on 22 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.12, sponsored by Mr. Ali Khan, Ms. Attah, Ms. Daes, Mr. Eide, Ms. Forero Ucros, Mr. Fix Zamudio, Mr. Hatano, Mr. Maxim, Ms. Palley, Mr. Park, Ms. Warzazi, Mr. Weissbrodt and Mr. Yimer.

10. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section B, resolution 1997/6.

The realization of the right to education, including education in human rights

11. At its 27th meeting, on 22 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.18, sponsored by Mr. Ali Khan, Ms. Daes, Mr. Eide, Mr. El-Hajjé, Ms. Forero Ucros, Ms. Gwanmesia, Mr. Joinet, Mr. Maxim, Mr. Park, Ms. Warzazi, Mr. Weissbrodt and Mr. Yimer. Mr. Khalil subsequently joined the sponsors.

12. Mr. Alfonso Martínez proposed to insert, at preambular paragraph 7, the word "sufficiently" after the words "has not previously been dealt with".

13. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez, Ms. Attah, Mr. Diaz Uribe, Mr. Guissé, Ms. Gwanmesia, Mr. Maxim, Mr. Mehedi, Mr. Weissbrodt and Mr. Yimer.

14. The draft resolution, as amended, was adopted without a vote. For the text of the resolution, see chapter II, section B, resolution 1997/7.

The right to food

15. At its 27th meeting, on 22 August 1997, the Sub-Commission considered draft decision E/CN.4/Sub.2/1997/L.19, sponsored by Ms. Daes, Mr. Fan Guoxiang, Mr. Guissé, Ms. Gwanmesia, Mr. Hatano, Ms. Palley, Mr. Park, Ms. Warzazi, Mr. Weissbrodt and Mr. Yimer.

16. Mr. Eide proposed to amend the draft decision by inserting, after the words "of 29 August in which it", the following words: "expressed its deep concern that more than eight hundred million people throughout the world, particularly in developing countries, did not have enough food to meet their basic nutritional needs, and".

17. The draft decision, as revised, was adopted without a vote. For the text of the decision, see chapter II, section B, decision 1997/... .

The relationship between the enjoyment of economic, social and cultural rights and the right to development, and the working methods and activities of transnational corporations

18. At its 27th meeting, on 22 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.24, sponsored by Mr. Alfonso Martínez, Mr. Ali Khan, Ms. Attah, Ms. Gwanmesia, Mr. Park and Ms. Warzazi. Mr. Ali Khan subsequently withdrew his co-sponsorship.

19. Mr. Yimer orally proposed to amend the draft resolution by replacing, at preambular paragraph 7, the words "at the international level" with the words "both at the national and the international levels". The proposal was accepted by the sponsors of the draft resolution.

20. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez, Ms. Attah, Mr. Bossuyt, Mr. Chernichenko, Mr. Eide, Mr. Lindgren Alves, Ms. Palley, Ms. Warzazi and Mr. Yimer.

21. Ms. Warzazi revised the draft resolution by inserting, at the end of preambular paragraph 4, the words "and the resolutions adopted by the World Summit for Social Development" and inserting, in preambular paragraph 6, after the words "political power", the words "in a few countries and organizations". She also deleted operational paragraphs 4 and 5, which read as follows:

> "4. Decides to establish, for a three-year period, an inter-sessional working group of the Sub-Commission, composed of five of its members, to examine the working methods and activities of transnational corporations, with the following mandate:
>
> "(a) To identify and examine the effects of the working methods and activities of transnational corporations on the enjoyment of economic, social and cultural rights and the right to development, as well as civil and political rights;

"(b) To investigate, monitor, examine, receive and gather information on the effects of the working methods and activities of transnational corporations on the enjoyment of economic, social and cultural rights and of the right to development, as well as of civil and political rights;

"(c) To make recommendations and proposals aimed at regulating the methods of work and activities of transnational corporations in order to ensure that these are in keeping with the economic and social objectives of the countries in which they operate, and to promote the enjoyment of economic, social and cultural rights and of the right to development;

"(d) To prepare each year a list of countries and transnational corporations, indicating, in United States dollars, their gross national product or financial turnover, respectively, and to submit its first report to the Sub-Commission at its fifty-first session.

"5. Recommends the following draft decision to the Commission on Human Rights for adoption:

'The Commission on Human Rights,

'Taking note of resolution 1997/... of ... August 1996 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

'1. Decides to endorse the decision of the Sub-Commission to establish, for a three-year period, an inter-sessional working group of the Sub-Commission, composed of five of its members, to examine the working methods and activities of transnational corporations, with the following mandate:

'(a) To identify and examine the effects of the working methods and activities of transnational corporations on the enjoyment of economic, social and cultural rights and of the right to development, as well as of civil and political rights;

'(b) To investigate, monitor, examine, receive and gather information on the effects of the working methods and activities of transnational corporations on the enjoyment of economic, social and cultural rights and of civil and political rights;

'(c) To make recommendations and proposals aimed at regulating the working methods and activities of transnational corporations in order to ensure that these methods and activities are in keeping with the economic and social objectives of the countries in which they operate, and to promote enjoyment of economic, social and cultural rights and of the right to development;

'(d) To prepare each year a list of countries and transnational corporations, indicating, in United States dollars, their gross national product or financial turnover, respectively, and to submit its first report to the Sub-Commission at its fifty-first session".'"

22. The draft resolution, as amended and revised, was adopted without a vote. For the text of the resolution see chapter II, section A, resolution 1997/11.

Transmission of resolution 1996/22 of the Sub-Commission to the Secretary General

23. At its 27th meeting, on 22 August 1997, the Sub-Commission considered draft decision E/CN.4/Sub.2/1997/L.26, sponsored by Mr. Alfonso-Martínez, Mr. Ali Khan, Ms. Attah, Mr. Boutkevitch, Mr. Chernichenko, Ms. Daes, Mr. Diaz Uribe, Mr. Eide, Mr. El-Hajjé, Mr. Fan Guoxiang, Ms. Gwanmesia, Mr. Khalil, Mr. Fix Zamudio, Mr. Maxim, Mr. Mehedi, Mr. Park, Ms. Warzazi and Mr. Yimer.

24. A statement in connection with the draft decision was made by Mr. Park.

25. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 1997/...

Promotion of the realization of the right of access of all to drinking water supply and sanitation services

26. At its 35th meeting, on 27 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.38, sponsored by Ms. Attah, Ms. Daes, Mr. Eide, Mr. El-Hajjé, Ms. Forero Ucros, Mr. Guissé, Mr. Mehedi and Ms. Warzazi.

27. Statements in connection with the draft resolution were made by Ms. Attah, Mr. Joinet, Ms. Warzazi and Mr. Yimer.

28. The draft resolution was adopted without a vote. For the text of the resolution see chapter II, section A, resolution 1997/18.

Women and the right to adequate housing and to land and property

29. At its 35th meeting, on 27 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.39, sponsored by Mr. Ali Khan, Ms. Attah, Ms. Daes, Mr. Eide, Mr. El-Hajjé, Mr. Fix Zamudio, Mr. Diaz Uribe, Mr. Guissé, Ms. Gwanmesia, Mr. Maxim, Ms. McDougall, Ms. Palley, Ms. Warzazi and Mr. Yimer.

30. Mr. Diaz Uribe orally revised the draft resolution by inserting in operative paragraphs 8 and 10 the words "and to land and property" after the words "the right to adequate housing" and by inserting in operative paragraph 11 the words ", land and property" after the words "the issue of the housing".

31. Statements in connection with the draft resolution were made by Ms. Attah, Mr. Chernichenko, Ms. Daes, Mr. Diaz Uribe, Mr. El-Hajjé, Mr. Guissé, Ms. Gwanmesia, Mr. Joinet, Mr. Lindgren Alves and Ms. Warzazi.

32. The draft resolution was adopted without a vote. For the text of the resolution see chapter II, section A, resolution 1997/19.

Question of the impunity of perpetrators of violations of human rights (economic, social and cultural rights)

33. At its 35th meeting, on 27 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.52, sponsored by Mr. Bossuyt, Mr. Boutkevitch, Mr. Diaz Uribe, Mr. El-Hajjé, Mr. Guissé, Mr. Khalil, Mr. Fix Zamudio, Mr. Maxim, Mr. Mehedi, Ms. Warzazi, Mr. Weissbrodt and Mr. Yimer.

34. The draft resolution was adopted without a vote. For the text of the resolution see chapter II, section A, resolution 1997/20.